

\_\_\_\_\_ BILL NO. \_\_\_\_\_

INTRODUCED BY \_\_\_\_\_

(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE CHILD SAFETY RESTRAINT SYSTEM STANDARDS; REQUIRING A CHILD IN A MOTOR VEHICLE TO BE PROPERLY RESTRAINED; AND AMENDING SECTIONS 61-9-419, 61-9-420, AND 61-13-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-9-419, MCA, is amended to read:

**"61-9-419. ~~"Properly restrained"~~ defined Definitions.** As used in ~~61-9-420~~ 61-9-419 through 61-9-423, the following definitions apply:

(1) "Child safety restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in a way that prevents or minimizes injury to the child in the event of a motor vehicle accident. The child safety restraint system must be either permanently affixed to a motor vehicle or affixed to a vehicle by a safety belt or a universal attachment system and must meet the federal motor vehicle safety standards set forth in section 49 CFR 571.213. The term includes a booster seat.

(2) ~~"properly"~~ "Properly restrained" means fastened in a manner prescribed by the manufacturer of the child safety restraint system that permits the system to act as a body restraint; but does not mean a system in which the only body restraint is a safety belt of the type required by 61-9-409."

**Section 2.** Section 61-9-420, MCA, is amended to read:

**"61-9-420. Child safety restraint systems -- standards -- exemptions.** (1) If a child under 6 years of age and less than 4 feet 9 inches tall or a child weighing less than ~~60~~ 65 pounds is a passenger in a motor vehicle, that motor vehicle must be equipped with one child safety restraint system for each child in the vehicle and each child must be properly restrained.

(2) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems.

(3) The department may by rule exempt from the requirements of subsection (1) a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system."

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2       **Section 3.** Section 61-13-103, MCA, is amended to read:

3           **"61-13-103. Seatbelt use required -- exceptions.** (1) A driver may not operate a motor vehicle upon  
4   a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly  
5   adjusted and fastened seatbelt or, if 61-9-420 applies, is properly restrained in a child safety restraint.

6 (2) The provisions of this section do not apply to:

7 (a) an occupant of a motor vehicle who possesses a written statement from a licensed physician,  
8 licensed physician assistant, or advanced practice registered nurse, as defined in 37-8-102, that the occupant  
9 is unable to wear a seatbelt for medical reasons;

10 (b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

11 (c) an operator of a motorcycle or a motor-driven cycle;

12 (d) an occupant of a vehicle licensed as special mobile equipment; or

13 (e) an occupant who makes frequent stops with a motor vehicle during official job duties and who may  
14 be exempted by the department.

15 (3) The department may adopt rules to implement subsection (2)(e).

16           (4) The department or its agent may not require a driver who may be in violation of this section to stop  
17   except:

18           (a) upon reasonable cause to believe that the driver has violated another traffic regulation or that the  
19   driver's vehicle is unsafe or not equipped as required by law; or

20 (b) if a child in the vehicle is not properly restrained under 61-9-420."

21 - END -